

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**DEBRA L. CASSIBRY,**

**PLAINTIFF,**

**VS.**

**CIVIL ACTION NO. 2:05CV122-P-B**

**WILLIAM WILLARD, ET AL.,**

**DEFENDANTS.**

**FINAL JUDGMENT**

This matter comes before the court *sua sponte* regarding the plaintiff's failure to serve the defendants with process within 120 days of filing the complaint. Upon due consideration of the circumstances, the court finds as follows, to-wit:

On June 24, 2005, the plaintiff filed her Complaint. On September 27, 2005, the Clerk's Office sent its first notice to the plaintiff of her failure to make service within 120 days. On February 16, 2006, the Clerk's Office sent a second notice regarding same. The plaintiff has not contacted the court in any way since the filing of her Complaint. The court concludes that this action should be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m) and for failure to prosecute.

**IT IS THEREFORE ORDERED AND ADJUDGED** that:

(1) All of the plaintiff's claims against all of the defendants are hereby **DISMISSED WITHOUT PREJUDICE**; therefore,

(2) This case is **CLOSED**.

**SO ORDERED** this the 14<sup>th</sup> day of June, A.D., 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE